

IN THE MATTER OF JERSEY FARM BAKING COMPANY AND ORCHARD FARM  
PIE COMPANY, D/B/A FARM CREST BAKERIES, INC. and INTERNATIONAL  
UNION OF OPERATING ENGINEERS, LOCAL 327, A. F. OF L.

*Case No. 7-R-1704.—Decided July 7, 1944*

*Messrs. Arthur J. Ellis and Melvin A. Reed, of Detroit, Mich., for  
the Company.*

*Mr. J. E. Crow, of Detroit, Mich., for the Union.*

*Mr. Louis Cokin, of counsel to the Board.*

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Union of Operating Engineers, Local 327, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Jersey Farm Baking Company and Orchard Farm Pie Company, d/b/a Farm Crest Bakeries, Inc., Detroit, Michigan, herein called the Company; the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert J. Wiener, Trial Examiner. Said hearing was held at Detroit, Michigan, on June 16, 1944. The Company and the Union appeared at, and participated in, the hearing.<sup>1</sup> All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Jersey Farm Baking Company, Orchard Farm Pie Company, and Farm Crest Bakeries, Inc., are Delaware corporations. Jersey Farm

<sup>1</sup> Although Bakery & Confectionery Workers Union, Local 326, A. F. L. and International Brotherhood of Firemen and Oilers were served with Notice of Hearing, they did not appear.

Baking Company and Orchard Farm Pie Company operate pastry baking plants at Detroit, Michigan. Farm Crest Bakeries, Inc., is a management company which operates the two afore-mentioned companies. During 1943 the Company sold products valued at about \$500,000, 10 to 15 percent of which was shipped to points outside the State of Michigan. During the same period the Company purchased materials valued at about \$200,000, about 50 percent of which was shipped to it from points outside the State of Michigan. We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

International Union of Operating Engineers, Local 327, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On December 21, 1943, the Union requested the Company to recognize it as the exclusive collection bargaining representative of the Company's employees. The Company refused this request.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>2</sup>

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

## IV. THE APPROPRIATE UNIT\*

The Union urges that all refrigeration and boiler operators of the Company constitute an appropriate unit. The Company takes no position with respect to the scope of the unit. Evidence introduced at the hearing indicates that the employees claimed by the Union constitute a well-defined homogeneous group.<sup>3</sup>

We find that all refrigeration and boiler operators at the Detroit plants of the Company excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

<sup>2</sup> The Field Examiner reported that the Union presented four authorization cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of March 15, 1944, which contains the names of four persons in the appropriate unit.

<sup>3</sup> They are specifically excluded from a contract between the Company and Bakery & Confectionery Workers Union covering production and maintenance employees.

## V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

## DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Jersey Farms Baking Company and Orchard Farm Pie Company, d/b/a Farm Crest Bakeries, Inc., Detroit, Michigan, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Seventh Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by International Union of Operating Engineers, Local 327, affiliated with the American Federation of Labor, for the purposes of collective bargaining.